

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In the Matter of:

RIGOBERTO A CRUZ

Debtor

Chapter 13

Case No. 12-11236-RGM

**OBJECTION TO CONFIRMATION OF PLAN,**  
**NOTICE OF OBJECTION TO CONFIRMATION OF PLAN**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS OBJECTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed March 27, 2012. The cause for this objection is as follows:

**Violation of 11 U.S.C. §1325(b)(1)(B) - Disposable Income.**

- B22C if filled out correctly, shows \$605.68 of disposable monthly income, yet Plan proposes only 259.49 per month. Trustee's calculations are attached hereto.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

**Notice of Objection To Confirmation**

Rigoberto A Cruz, Case # 12-11236-RGM

***Attend the hearing to be held on May 9, 2012 at 9:30 a.m. in Courtroom #3 on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314.*** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste, 400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: April 20, 2012

/s/Thomas P. Gorman  
Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 20<sup>th</sup> day of April, 2012, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Rigoberto A Cruz  
Chapter 13 Debtor  
11620 Vantage Hill Road, Unit 21b  
Reston, VA 20190

Robert L. Vaughn, Jr.  
Attorney for Debtor  
O'Conner & Vaughn, LLC  
11490 Commerce Park Dr , Ste. 510  
Reston, VA 20191

/s/ Thomas P. Gorman  
Thomas P. Gorman

## B22C Adjustments

In re Rigoberto A Cruz  
Case No. 12-11236-RGM

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| Line Number |   | Debtor's Figures  | Trustee's Figures | Basis For Difference                        |
|-------------|---|-------------------|-------------------|---|
| 24B         | Health Care   | \$144.00          | \$60.00           | IRS standards for out of pocket costs       |
| 27A         | Vehicle Operation/public transportation                 | \$270.00          | \$0.00            | Only \$160 claimed on Sch. J                |
| 38          | Total expenses allowed under IRS Stds.                  | \$2,306.00        | \$2,031.00        | See above adjustments                       |
| 51          | Total deductions for debt payment                       | \$2,166.79        | \$1,907.32        | Mathematical error in Debtor's calculations |
| 52          | Total of all deductions from income                     | \$4,529.00        | \$3,994.32        | See above adjustments                       |
| 53          | <b>Total current monthly income</b>                     | \$4,600.00        | \$4,600.00        |   |
| 58          | <b>Total adjustments to determine disposable income</b> | \$0.00            | \$3,994.32        |   |
| 59          | <b>Monthly Disposable Income Under §1325(b)(2)</b>      | <b>\$4,600.00</b> | <b>\$605.68</b>   |   |